

Article - Environment

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§4-313.1.

(a) (1) The Department shall impose an administrative civil penalty on a person who owns or operates a sewage treatment plant that is in violation of § 4-302.1(b)(1), (c), or (d) of this subtitle.

(2) The person accused of the violation shall have the right to a hearing but may waive that right in writing.

(3) The penalty imposed under this subsection shall be:

(i) \$5 for each pound of phosphorus discharged monthly in violation of § 4-302.1(b)(1) of this subtitle; and

(ii) \$2 for each pound of nitrogen discharged monthly in violation of § 4-302.1(c) or (d) of this subtitle.

(b) (1) Except as provided in paragraph (2) of this subsection, a penalty imposed under this section may not be:

(i) Waived;

(ii) Reduced; or

(iii) Used to assist the penalized person in upgrading a sewage treatment plant.

(2) A penalty imposed under this section may be waived if the phosphorus or nitrogen discharged in violation of § 4-302.1 of this subtitle is due to an act of God or, if it could not reasonably have been anticipated by the owner or operator of the sewage treatment plant, a power outage or a massive leakage of any pollutant that contaminates the wastewater being treated.

(c) The Department shall deposit the penalties collected under this section in the Maryland Clean Water Fund created under § 9-320 of this article.

(d) The Department shall collect the penalties required to be imposed under subsection (a) of this section on a monthly basis beginning on:

and (1) February 15, 1989 for violations of § 4-302.1(b)(1) of this subtitle;

(2) November 15, 1991 for violations of § 4-302.1(c) or (d) of this subtitle.

(e) The penalties required to be imposed under this section are in addition to any other penalties provided by law.

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